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| 09/924,005 | 08/07/2001 | Stephen Lange Ranzini | 3892-4003 | 1961 |
| 27123 7590 02/12/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | | |
| EXAMINER COLBERT, ELLA | | | | |
| ART UNIT 3696 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/924,005

Applicant(s)

RANZINI, STEPHEN LANGE

Examiner

Ella Colbert

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3, and 5-8 are pending. Claims 2 and 4 have been canceled and claims 1, 3, and 5-8 have been amended in this communication filed 11/13/07 entered as amendment with filing of RCE.
2. The claim objections for claims 1-4 have been overcome by Applicant's cancellation of claims 2 and 4 and the amendments to claims 1 and 3 are hereby withdrawn.
3. The 35 USC 112, second paragraph rejections for claims 1-4 have been overcome by Applicant's cancellation of claims 2 and 4 and the amendments to claims 1 and 3 and are hereby withdrawn.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 November 2007 has been entered.

Claim Objections

Claims 1, 3, and 5-8 are objected to because of the following informalities: Claim 1 has a semi-colon (;) after "code" and before the "wherein" clause. There should be a comma (,) after "code" and before the "wherein" clause. Claim 3 has a similar problem.

Claims 5-8 need a comma (,) after the "claim ____" and before the "wherein" clause.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0025265) Takayasu in view of (US 2002/0087454) Calo et al, hereafter Calo.

Claim 1, Takayasu discloses, A system to handle a currency exchange, comprising:

A memory having program code stored therein (col. 1, pg. 10 [0150]); and a processor operatively connected to said memory for carrying out instructions in accordance with said stored program code (col. 1, pg. 10 [0151]), wherein said program code, when executed by said processor, causes said processor to perform (col. 1, pg. 10 [0154]). Takayasu failed to disclose, establishing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency, wherein the first currency is a

foreign currency; presenting on the stock exchange, using quotation of the stock exchange, one or more of the exchange shares; establishing a predetermined number of market makers, each said market maker having responsibilities for at least one of said exchange shares, wherein one or more of the requests are passed to one or more of the market makers. Calo discloses, establishing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency, wherein the first currency is a foreign currency (col. 2, pg. 2 [0030] –pg. 3, col. 1, line 47); presenting on the stock exchange, using quotation of the stock exchange, one or more of the exchange sharesPg. 3, col. 2 [0034]-pg. 4, line33); establishing a predetermined number of market makers, each said market maker having responsibilities for at least one of said exchange shares, wherein one or more of the requests are passed to one or more of the market makers (Pg. 4, col. 1 [0035]col. 2 [0037] and Pg. 6, col. 1 [0044]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Calo in Takayasu because such an incorporation would allow Takayasu to give principal market maker quotes with having the use of a human market maker in a trading environment which is well known.

Claim 3, Independent claim 3 is rejected for the similar rationale as given above for claim 1.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0025265) Takayasu in view of (US 2002/0087454) Calo et al, hereafter Calo and

further in view of (US 2002/0087455) Tsagarakis et al, hereafter Tsagarakis. This application claims priority to a non-provisional of provisional application No. 60/259,268, filed on December 30, 2000.

Claims 5 and 7, Takayasu and Calo failed to disclose, wherein said responsibilities include posting a bid and offer for said exchange shares, Tsagarakis discloses, wherein said responsibilities include posting a bid and offer for said exchange shares (Page 5, col. 1 [0041] –col. 2, line 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tsagarakis in Takayasu because such an incorporation would allow Takayasu to simplify the cross-border trading of stocks, options, mutual funds, and fixed income instruments.

Claims 6 and 8, Takayasu and Calo failed to disclose, wherein said responsibilities include offering to purchase or sell said exchange shares for posted amounts. Tsagarakis discloses, wherein said responsibilities include offering to purchase or sell said exchange shares for posted amounts (Page 4, col. 1 [0036]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tsagarakis in Takayasu because such an incorporation would allow Takayasu to convert currency, an order to buy or sell an amount of a first currency in exchange for a second currency and to decrease the transaction costs of each trade.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gehard (US 6,952,583).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3696

January 28, 2008

/Ella Colbert/

Primary Examiner, Art Unit 3696